

March 2, 2011

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*Re: In the Matter of Lifeline and Link-Up, WC Docket No. 03-109*

Dear Ms. Dortch:

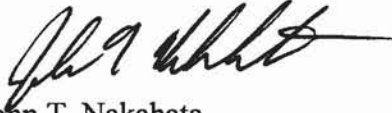
On March 1, 2011, at the initiation of FCC staff, I spoke separately with Kim Scardino of the Wireline Competition Bureau, Telecommunications Access Policy Division, Zachary Katz, Legal Advisor to the Chairman, and Brad Gillen, Legal Advisor to Commissioner Baker. During those conversations, I made the following points. What is sometimes called the “one-per-household” rule conflates two issues – (1) whether an individual subscriber can have more than one Lifeline supported telephone service, and (2) whether multiple individuals in the same “household” can have more than one Lifeline supported telephone service even if each individual subscribes to only one Lifeline supported telephone service. If the Commission were to adopt an “interim” final rule without notice and comment that addressed the latter issue of multiple individuals in a “household” it would have to define a “household.” As comments in the record in response to TracFone’s Petition for Declaratory Ruling have demonstrated, there are substantial questions as to what constitutes a “household,” particularly with respect to a variety of adult group living arrangements ranging from homeless shelters, to nursing homes, to roommate arrangements, to arrangements with multiple or intergenerational families sharing a residence.<sup>1</sup> If the Commission were to define a “household” as a unique postal address, that raises further questions, particularly in rural and tribal areas in which families may share mail drops, or which have no street addresses. The result of an “interim” final rule that barred multiple individuals sharing a unique postal address from receiving Lifeline support telephone service would likely be to disconnect a non-insignificant number of these individuals or families, leaving these individuals without the ability to place 911 or to make or receive other critical calls. This would be a particularly unfortunate result given that there has been to date no rule prohibiting these subscriptions and the pre-1996 Act rule was for a Lifeline program in which the only Lifeline supported service was wireline telephone service provided by a single incumbent LEC in given area – not the telecommunications market that exists today as a result of the 1996 Act.

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<sup>1</sup> See *Comment Sought on TracFone Request for Clarification of Universal Service Lifeline Program “One-Per-Household” Rule as Applied to Group Living Facilities*, Public Notice, 24 FCC Rcd 12788 (rel. Oct. 21, 2009), TracFone’s underlying request for clarification, and the comments filed in response to the public notice.

I urged that the Commission not adopt an “interim” final rule addressing the issue of whether multiple individuals in the same “household” can have more than one Lifeline supported telephone service even if each individual subscribes to only one Lifeline supported telephone service. Given the complicated situations discussed above, that issue would be better addressed through notice and comment.

Sincerely

A handwritten signature in black ink, appearing to read 'John T. Nakahata', with a long horizontal flourish extending to the right.

John T. Nakahata  
*Counsel to General Communication Inc.*

cc: Zachary Katz  
Brad Gillen  
Kim Scardino